10/9/71

Dear Ned,

While taking my walk, my thinking time, it occured to me that now as you are to us some of what I have been sending you recently might frighten you. So, of course, should, tha t which frightons me. But the rest is different, and that I address, with some explanation for which I feel I must take time, for there are things you have not had the time to learn, some you might not on your own detect. And, of course, to reassure you. Having overcome yesterday's crises and had a night's sleep, my mind was fairly clear as I walked.

Let me begin wit the worst. I did not exaggerate the evil potential of what impends. Nor was its imminence unknown to me. Only a major, crucial detail was unknown, that Marshall had given his assent. I have reread the porvisions of the contract, and my pepresentations to Cyril are accurate. M can give assent, but Rhoads, or whoever controls his decisions, makes them. Because I was aware of the potential when I first heard that Cyril was going to file, and, of course, considering the relationship between us, I was stunned that he would keep this secret from me, at the first convenient op ortunity, perhaps too subtly, perhaps underestimating what ego and that longed-for taste of the Queen Bee's Nectar can do to otherwise fine and decent people, I gave him an alternative. It is one that eliminates all the existing hazard, outs everything in perspective, one to which I made no reference in the long letter I sent him. I can return to it ifhe reacts properly, if he engages in soul-searching, if he is willing to discuss a different approach (and for it the availability of the complete work in indispensible, for everything we do must be accompanied with overwhelming backstopping). If he doesn't, it is an alternative to which we can give thought. I want you and Gary to do no more than think about this and to discuss it with nobody else for the time being. That is to bring charges leading toward disaccreditation against all those qualified in forensic pathology before that board. I will not take time for explaining this now but I will if you desire. There is too much work and too much demand on my time with what I now must regard as greater urgency. But the thing that s ould be most obvious is that this, and not imporperly, takes the focus off the Kennedy family and the members of the Commission. It is the correct perspective on everything connected with the autopsy. Hoover's transgressions are inherent, but evil as he has been, even he is subordinate to this. If Wecht does not join in this, perhaps others will, perhaps I can find a way of doing it alone. Especially if I can get a good lawyer to help.

There are other possibilities. I still think the greater likelihood is that Cyril will be turned down. However, here I may underestimate the government. What I am, basically, depending upon is the urgent need of the lower-echelon, operating people in the government who have their selfish interests to protect; and the lack of deep understanding of the potential for them of the policy makers. If they consult Hoover, he will want everything kept quiet. But I rest my hope in a lack of brightness and perception on the policy level and self-interest below that.

The possibilities that can follow this are two: Curil can make a stink, with Bud's lusty help, or he can be silent and hope to continue working behind the scenes. Here you should understand that not without ample cause Cyril wantts Fisher's blood. Fisher has been rotten with him, and Cyril's desire for personal and professional revenge is not worse than natural and human. Unfortunately, I have more that armed him well for this, and there is nothing I can do to disarm him. He can get Fisher. I hope he wants to do this enough to talk to me, for Fisher should pay for what he has done. Not so much for what he has done behind the scenes to Cyril but for what he has done to society. If it is right for a man to go to jail for stealing a loaf of bread, then it is more right that something should happen to Fisher. I had worked out a formula for this, but changing needs and situations prevented my doing more than making full preparation. I can still continue at any time. I can file not for the autopsy pectures and X-rays but for all the panel's raw materials. The legal difference is enormous. Again, I don't take time, I ask you to take this on trust. But it is established in law in such things as the American Mail Lines v Gulick decision, where I spotted it. Per se, whether or not legally subject to the contract, this film is properly in use to suit under FOI as personal or medical records. However, with my approach, the government has, under the law, waived all such rights. How? By use by the panel. In this suit,

I could call Fisher as a witness. I think Gary has all my earlier correspondence on this, but I strongly discourage your taking any time for it. However, I digress to tell you that in the brief addition I will make to the panel part, I will use my correspondence with Fisher. You will see that I led him into admission that all the panel drafts were destroyed and that he, personally, destroyed them, with Bromley's agreement.

If there is a stink, any version of POST MORTEM that is immediately availablewill become the country's hottest literary property and it will be as indispensible to the urgent Kennedy need as to establishment of truth. But will there be a stink?Despite the obvious commercial and literary good it can and will do me, I think I must send every effort to either avoiding it or delaying it. My doubt is not because of how well I can predict Bud. I know him better than he knows himself on this subject. It will be his intent, and he may have talked Cyril into it already. Those who have but slight contact with him are impressed, for he waits until he feels he has the confidence of people before he discloses the real wildness that lurks under that calm, smiling exterior. It is with Cyril that I am uncertain, and this is the reason I took the time for so long a letter to him. He is a cat of different ancestry and instinct. If it is his desire to make a stink or if he goes along with Bud's, then we will have real problems because he enjoys an earned excellent professional reputation and few of the press have yet seen through Bud, who they remember only from his days on the Hill, where he was (through influence, not ability) counsel to a Senate subcommittee. He doesn't really have much on the ball, and is so unsure of his own legal thinking that he has relied upon first me, then Jim, and now both of us for his legal thinking in the Ray case. You can find the long memos I have done for him on this at each juncture, and until the proceeding in Jackson, Tenn (unreported, so far as I know) on Wednesday, did this on every case. Even here he asked me to discuss it with him Tuesday, the day before he went there, and we did, albeit in the presence of a reporter from Chicago. This dependance upon others, especially a non-lawyer, galls him secretly.

There is much thinking to be done on all of this, and I'll do as much as I can. One of the things that occurs to me is that we stage a press conference immediately and attempt to put it in perspective, even if it seems like an overt Kennedy defense.

The hazard here is not to the book or to us personally. It is to truth and its establishment, to blame and its allocation, and to the future. If what is wrong happens, we, personally, will be its beneficiary. Thus we are really faced with what to others would be a conflict of interest but is not to me, for I have no hesitation making an unselfish choice and never considered aby other course.

It is unfortunate that you have to be involved in this kind of mess. And it is a mess. One can almost anticipate that at each major opportunity we will have to face one. Usually, because others do not understand or are unwilling to try to cope, it falls upon me to attempt to cope with it. Gary can tell you that I early learned that Garrison would do no real work, and as soon as Gary was in N.O., which is where we met for the first time, he immediately detected it. Others were still raving, most to and after the bitter end. And one of the worst liabilities in this strange field and with such strange people is being right. That is one of the abses for Garrison's dislike of me. But you may as well know us. There are only a few who are good, and today most have severe limitations imposed upon them and what they can do. Sylvia, for example, who is as fine as she is brilliant (and scrupulously honest as long as young men are not involved), is locked in by her sex and her job. Howard, Gary, Hoch and Bernabei are also limited by school. If any of the relatively few others is in any way solid and dependable, it escapes my recall. Lesar is fine, but limited by lack of knowledge of the case and confinement to legal aspects. Cyril has never done any original work. The same is true of both Thompson and Lane, both of whom are out of it and both of whom are capable of jumping in with both feet at a moment's notice, especially Lane, who hasn't been getting the publicity on which he lives. Garrison might again be expected to raise that shaky voice. If there is no lack of those who would be and claim to be queens, there is a dearth of drones.

Anyway, I encourage you not to worry too much, for I am confident that with a little luck, we may be able to exert the proper intellectual judo and convert all of this into a +.

There are some quiet, behind-the-scenes things I may be able to accomplish. I'll try and find the time to prepare for them. You have seen the first such effort, the letter to Mac. There are memebrs of the press who have confidence in me, although they are unable to ever refer to me, my work, etc. And as time goes on, if you have not been able to do anything with Teddy's office, I may just have to walk in there. This will be last, for I think it best that I stay out until there is an invitation. Now that you have read the rest of the work, I think you should consider writing or phoning the man you spoke to, I think you said his name is Martin. I may be able to arrange other auspices and if necessary I can try. There are several administrative assistants I can get to see. We do have at least two weeks, really three. And I can, I think, arrange a "leak" that Cyril and Bud fear will ruin it. I may want to consider doing this openly, not as a leak. But the leak presents no problem, I think. Nor does doing it openly. And I think I can also arrange for a feedback from Europe on it. We have time and we have time to think.

Most of all what I here seek to address is your attitude. I want you not to be discouraged by the realities and to have faith in two things: that we can overcome them and that, as in the past, we may be able to convert them into constructive good. I do think this is more than possible. One of the things that may not occur to you I ask you to remember in this connection, for what we are really appraising is attitudes. Remember Weinreb's admission to you of what caused his only doubts? That is typical of the media attitude. It has given the major papers, for example, the same pause. Excesses help us. It is by exploitation of them that I was able to open the subject. And remember that when this comes to pass, it is helpful in getting sympathy to be the victim of them. That I learned with my first major talk show and I have always made it a point to let it happen when I have a confrontation of any kind.

While Cyril's reputation is to be coped with, remember also that when this ahppens the very powerful Kennedys will have a great interest. They will have to look out for their own, especially Teddy's personal interest. They may have the most urgent need for us and for my knowledge and evidence. You will recall thatbefore any of this came up, I said the urgent things were for Teddy to have a man who is aware and silent and for Teddy to remain detached but in a position to say that he has had a member of his staff kept informed and all have been silent at our suggestion. He thus is in a defensible and comprehensible pisition of having said, on the one hand, that he had every reason to trust the government (and who would doubt that) and, at the same time, when there was evidence of which he should be aware, he had a trusted staffer examine it and respect the request for confidence on it. If, thereafter, anything unpleasant comes to pass, the real victims would emerge as Marshall, the trusted man who proved unworthy of trust, and the government. Teddy can be saved, if he will permit it, and permitting it commits him to nothing and involves him in nothing.

I have to get to other things.

Keep the faith, babies! And chins up! But don't stop looking for a big stick.

Best,